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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/848,437	05/04/2001	Tim W. Blair	2222.038000H	7818	
26111 75	590 11/15/2006		EXAM	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC			PHAM, KHANH B		
	1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005		ART UNIT	PAPER NUMBER	
	•		2166		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	09/848,437	BLAIR ET AL.	
Office Action Summary	Examiner	Art Unit	
	Khanh B. Pham	2166	
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet w	ith the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailir earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNI 136(a). In no event, however, may a will apply and will expire SIX (6) MO e, cause the application to become A	CATION. reply be timely filed NTHS from the mailing date of this communicat BANDONED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on 29 S	s action is non-final.		is
Disposition of Claims			
4) Claim(s) 21-90 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) 21-90 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or claim(s) are subject to restriction and/or claim(s) are subject to by the Examination Papers 9) The specification is objected to by the Examination The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the	ewn from consideration. or election requirement. er. cepted or b) objected to	•	
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E			(d).
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documen 2. Certified copies of the priority documen 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	ts have been received. ts have been received in A prity documents have beer nu (PCT Rule 17.2(a)).	Application No received in this National Stage	
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No	Summary (PTO-413) s)/Mail Date nformal Patent Application	·

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

2. Applicant's submission filed on September 29, 2006 has been entered. Claims 21, 35, 49, 63, and 77 have been amended. Claims 21-90 are pending in this Office Action.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 77-90 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 77-90 recite "a device" but none of the elements of the claimed device necessarily implemented in hardware. The claimed devices comprise only logic and are directed to an arrangement of software, per se, Claims 77-90 are therefore rejected as not being tangible.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 21-90 are rejected under 35 U.S.C. 102(e) as being anticipated by Unger (US 5,721,910 A), hereinafter "Unger".

As per claim 21, Unger teaches a method of enabling a user to organize and analyze information comprising:

 "searching an input first group of documents to output a second group of documents" at Col. 3 lines 8-20;

(Unger teaches the step of using predefined search criteria to disaggregate a set of documents into discrete technical categories (i.e., "second group"))

• "analyzing an input third group of documents according to one or more analytical functions to output a fourth group of documents" at Col. 6 lines 25-55.

(Unger teaches the stored analysis may be used to analyze documents and identify a set of documents of particular interest for a particular application)

• "selectively iterating at least one of the searching and at least one of the analyzing, wherein each iteration of the searching or the analyzing is performed using as the input one of the second group, the fourth group, or the output of a previous iteration" at Col. 3 lines 55-59 and Col. 6 lines 25-55.

(Unger teaches the step of further searching one or more categories (i.e., "second group") to identify a subset of documents. Unger also teaches the set of analyzed patents and/or technical documents (i.e., "fourth group") may then be used to identify trends(i.e., analyzing);

 "wherein said selectively iterating includes performing an additional iteration of the searching using the fourth group as input, to output a fifth group of documents" at Col. 6 lines 45-55.

(Unger teaches the step of using "patent numbers for this set of patents" (i.e., "the fourth group") as unique identifiers to search and display the full text and associated graphic images (i.e., "output a fifth group of document".)

As per claim 22, Unger teaches the method of claim 21, further comprising: "making at least one of the second group or the fourth group a permanent group" at Col. 3lines 45-50.

As per claim 23, Unger teaches the method of claim 21, wherein the searching comprises: "performing a cluster analysis of the first group of documents to create a

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hierarchical arrangement of groups containing documents from the first group, wherein the second group is one of the hierarchical arrangement of groups" at Col. 5 lines 35-63.

As per claim 24, Unger teaches the method of claim 21, further comprise "performing a relevancy visualization analysis of one of the first group and the third group to identify how documents contained therein are inter-related with respect to key terms" at Col. 7 lines 5-25.

As per claim 25, Unger teaches the method of claim 24, wherein "relevancy visualization analysis operates according to a rule book" at Col. 5 lines 15-35.

As per claim 26, Unger teaches the method of claim 25, wherein the rule book comprises patent specific rule" at Col. 5 lines 15-35.

As per claim 27, Unger teaches the method of claim 21, further comprising: "generating an object corresponding to a search process component or an analyze process component of a work flow represented by the searching, the analyzing, and selective iterating" at Col. 7 line 25 to Col. 8 line 50.

As per claim 28, Unger teaches the method of claim 27, wherein an object is generated using object definition" at Col. 8 lines 35-50.

As per claim 29, Unger teaches the method of claim 28, wherein the object definition comprise: "a Boolean operation object definition, a corporate family operating object definition; an export object definition; a folder object definition; an import object definition; a list exploder operation object definition; a list object definition; a query object definition; or a patent family dedupe object definition" at Col. 8 lines 35-50.

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As per claim 30, teaches the method of claim 27, further comprising: "saving the at least one object" at Col. 7 lines 25-50.

As per claim 31, teaches the method of claim 27, further comprising: "reexecuting the work flow by traversing the at least one object" at Col. 8 lines 50-62.

As per claim 32, Unger teaches the method of claim 27, further comprising: "creating a new work flow by modifying the at least one object" at Col. 8 lines 50-62.

As per claim 33, Unger teaches the method of claim 21, further comprising: "annotating at least one of the first group, third group, or any portion of any document contained in the first group or the third group" at Col. 4 lines 50-57.

As per claim 34, Unger teaches the method of claim 21, wherein the initial group of documents is from at least one of a database, an external source, or the Internet" at Col. 4 lines 1-2.

Claims 35-90 recite a method, system, computer program product, and a device for performing similar method as in claims 21-34. Claims 35-90 are therefore rejected by the same reasons discussed above.

Response to Arguments

6. Applicant's arguments filed September 29, 2006 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Regarding the §101 rejection to claims 77-90, applicants argued that the term "logic" as recited in claims 77-90 is not limited to software, but also cover hardware. The

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examiner respectfully submits that nowhere does applicant's specification discloses the claimed "logic" is hardware, but instead defines logic as "computer software" at [0044] and "computer programs" at [0049]. Specifically, applicant's specification provides:

"The primary memory 508 has stored therein control **logic** 510 (**computer software**), and data 512" at [0044]

"Computer program (also called computer control logic) are stored in main memory 508 and/or the secondary storage devices 514" at [0049].

In view of applicant's specification, the claimed device is therefore comprises only software components and therefore rejected as being intangibly embodied.

In response to applicants' argument that Unger does not teach or suggest "selectively iterating includes performing an additional iteration of the searching using the fourth group as input, to output a fifth group of documents", the examiner respectfully submits that Unger teaches at Col. 6 lines 45-55 the step of using "patent numbers for this set of patents" (i.e., "the fourth group") as unique identifiers to search and display the full text and associated graphic images (i.e., "output a fifth group of document".)

In light of the foregoing arguments, the 35 U.S.C 101 and 102 rejections are hereby sustained.

Conclusion

7. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (571) 272-3574 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khanh B. Pham Examiner Art Unit 2166

November 6, 2006

Kpham